

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RANDALL PARSONS	:	CIVIL ACTION
	:	
v.	:	No. 17-2888
	:	
CITY OF PHILDELPHIA, et al.	:	

**ORDER**

AND NOW, this 28th day of September, 2018, upon consideration of Defendants City of Philadelphia and former Philadelphia Prison Commissioner Louis Giorla's Motion to Dismiss for Failure to State a Claim and pro se Plaintiff Randall Parsons's opposition thereto, and for the reasons set forth in the accompanying Memorandum, it is ORDERED the Motion (Document 12) is GRANTED in part and DENIED in part as follows:

- The Motion is GRANTED with respect to Plaintiff's claims alleging violations of the Pennsylvania Constitution and Plaintiff's claims against Giorla in his official capacity. All such claims are DISMISSED with prejudice.
- The Motion is also GRANTED with respect to Plaintiff's federal law claims against Giorla in his individual capacity. These claims are dismissed without prejudice and with leave to amend. Plaintiff shall have until October 29, 2018, to file an amended complaint which corrects the pleading deficiencies identified in the accompanying Memorandum.
- The Motion is DENIED with respect to Plaintiff's federal law claims against the City of Philadelphia.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, C.J.

